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6
7 **UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 DAVID MICHAEL BURAK,

12 Defendant.
13
14

Case No. 2:22-cr-00187-JCM-BNW

**STIPULATION FOR PROTECTIVE
ORDER**

15 It is hereby stipulated and agreed, by and between Jason M. Frierson, United States
16 Attorney, through Supriya Prasad, Assistant United States Attorney, and Joanne Diamond,
17 Esq., counsel for defendant David Michael Burak, that this Court issue an Order protecting from
18 disclosure of material referred to hereinafter as "Protected Material." The parties state as
19 follows:

20 1. Defendant is charged with Distribution or Receipt of Child Pornography in
21 violation of 18 U.S.C. §§ 2252A(a)(2) and (b)(1) and Possession of Child Pornography in
22 violation of 18 U.S.C. §§ 2252A(a)(5)(a) and (b)(2). *See* ECF No. 1. Defendant is not charged
23 with distributing, receiving, or possessing child pornography depicting his minor children.
24

1 2. Defendant's two minor children were interviewed at a child advocacy center by a
2 child advocate on or about August 29, 2022. The interviews were video recorded (the "Protected
3 Material"). The government has provided audio recordings of the interviews in discovery.

4 3. Defendant is currently detained pending trial. *See* ECF No. 16.

5 4. Subject to the conditions listed herein, the parties agree that the government will
6 provide the Protected Material in discovery.

7 5. Access to Protected Material will be restricted to persons authorized by the Court,
8 namely defendant, his attorney(s) of record, and paralegals, investigators, experts, secretaries, file
9 clerks, law clerks, contractors, vendors, and IT Department employed by the attorney(s) of
10 record or performing on behalf of defendant.

11 6. The following restrictions will be placed on defendant, defendant's attorneys and
12 the above-designated individuals unless and until further ordered by the Court. Defendant,
13 defendant's attorneys, and the above-designated individuals shall:

14 a. Not store or keep any copy of the Protected Material at the Nevada
15 Southern Detention Center or any other facility where defendant may be detained pending trial;

16 b. Not make copies of the Protected Material for, or knowingly allow copies
17 of any kind of the Protected Material to be made and will take reasonable steps to protect against
18 allowing copies of any kind of the Protected Material;

19 c. Not knowingly allow any other person to view the Protected Material and
20 will take reasonable steps to prevent any person that is not an authorized person to view the
21 Protected Material; and,

22 d. Not use the Protected Material for any other purpose other than preparing
23 to defend against the charges in the Indictment.
24

7. Defendant's attorneys shall inform any person, to whom they disclose the Protected Material or to whom they know defendant has disclosed the Protected Material, of the existence and terms of this Court's order. Further, defendant's attorneys shall take reasonable measure to inform any person, to whom disclosure may be made pursuant to this order, of the existence and terms of this Court's order.

8. Nothing contained in this motion and order shall preclude any party from applying to this Court for further relief or for modifications of any provision hereof.

Dated this 25th day of October, 2022.

JASON M. FRIERSON
United States Attorney

/s/ Supriya Prasad
SUPRIYA PRASAD
Assistant United States Attorney
Counsel for the United States

/s/ Joanne Diamond
JOANNE DIAMOND, ESQ.
Assistant Federal Public Defender
Counsel for Defendant David Michael Burak

ORDER

IT IS SO ORDERED this 26th day of October, 2022.


UNITED STATES MAGISTRATE JUDGE